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GENERAL ABRIDGMENT

OF

Law and Equity,

ALPHABETICALLY DIGESTED UNDER PROPER TITLES;

WITH NOTES AND REFERENCES TO THE WHOLE.

BY CHARLES VINER, ESQ.

FOUNDER OF THE VINERIAN LECTURE IN THE UNIVERSITY OF OXFORD.

FAVENTE DEO.

THE SECOND EDITION.

VOL. XXIV.

CONTAINING

An INDEX to the TITLES and PRINCIPAL MATTERS contained in VINER's ABRIDGMENT, as alſo in the Principal ABRIDGMENTS of LAW and EQUITY.

London:

PRINTED FOR

G. G. AND J. ROBINSON, T. PAYNE, E. AND R. BROOKE, AND J. BUTTERWORTH; AND FOR L. WHITE, Dublin.

M. DCC. XCIV.

ADVERTISEMENT.

IN the Republication of the preſent Volume, which contains a General Index of the Titles and Diviſions of the Principal Matters in VINER's ABRIDGMENT, as alſo in ſeveral other General Abridgments of Law and Equity, it has been judged a deſirable improvement to incorporate, in like manner, references to the ſubject-matter contained in the latter volumes of *Bacon's Abridgment*, and in the *Digeſt* of Lord Chief Baron Comyns *, publiſhed ſince the original edition of VINER's ABRIDGMENT; by which the reader is poſſeſſed, under one view, of an Index to the ſeveral principal Abridgments of Law and Equity.

The Titles, MAXIMS and STATUTES have alſo been added, with proper references to the ſeveral volumes of VINER's ABRIDGMENT, in order, in ſome meaſure, to ſupply the original intention of the Author, and to extend the general utility of this volume.

* This Work is denoted, throughout this Index, by the abbreviation *Com.* i, 420, &c.

AN

ALPHABETICAL INDEX

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G A M

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Actus legitimi non recipiunt modum. *Preſentation*, xvii. 354.

Actus non facit reum, niſi mens ſit rea. *Conſequential Loſſes*, &c. v. 404.

Ad proximum antecedens fiat relatio. *Relation*, xviii. 286.

Æquior eſt diſpoſitio legis quam hominis. *Releaſe*, xviii. 321.

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Affectio tua imponit nomen operi tuo. *Uſes*, xxii. 209.

Apices juris non ſunt jura. *Common*, v. 18. *Deſcent*, viii. 16.

Alienatio rei præfertur juri accuſandi. *Jointenants*, xiv. 481.

Apud eum fieri debet renunciatio, apud quem pertinere dignoſcitur confirmatio. *Preſentation*, xvii. 359.

Arbitrio domini res æſtimari debet. *Copyhold*, vi. 105.

Arbor dum creſcit, lignum dum creſcere neſcit. *Reſervation*, xix. 133.

Antecedent general words ſhall be reſtrained by particular words following; but not e contra. *Grants*, xiv. 61.

Argumentum a majori ad minus negativè non valet, valet è converſo. *Preſentation*, xvii. 464.

Ars deluditur arte. *Covin*, vi. 476.

A ſtatute in the affirmative, without any negative expreſſed or implied, doth not take away the common law. *Park*, xvi. 185.

A ſtranger cannot take advantage of a condition. *Deviſe*, viii. 113.

Baſtard nullius filius, filius populi. *Uſes*, xxii. 199, 200.

Boni legiſlatoris eſt lites dirimere. *Reſceipt*. xix. 53.

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Borough Engliſh ſhall be taken ſtrictly. *Stricti Juris*, xx. 14.

Ceſſante causâ ceſſabit effectus. *Baron and Feme*, iv. 123. *Releaſe*, xviii. 357.

Ceſſante ratione legis, ceſſat ipſa lex. *Tenure*, xx. 251.

Churchyard eſt ſolum Deo conſecratum. *Execution*, x. 593.

Claim of diſcharge from tithes ſhall be taken ſtrictly. *Stricti Juris*, xx. 14.

Clauſula generalis non refertur ad expreſſa. *Covenants*, vi. 430.

Communis error facit jus. *Mariners*, xv. 236. *Poor*, xvi. 422. *Precedents*, 501, 502. *Taxes*, xx. 162.

Communis lex eſt magis digna. *Franchiſes*, xiii. 513.

Conditions ſhall be taken ſo ſtrictly, that the breach ſhall be according to the preciſe words. *Stricti Juris*, xx. 14.

Confeſſio facta in judicio, omni probatione major eſt. *Confeſſion*, v. 348.

Confirmare idem eſt, quod firmum facere. *Releaſe*, xviii. 371.

Conſenſus tollit errores. *Error*, x. 12. *Evidence*, xii. 62, 113. *Judgment*, xiv. 625. *Partition*, xvi. 218. *Sewers*, xix. 417. *Trial*, xxi. 120.

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Conſuetudo ex certâ cauſâ rationabili uſitata privat communem legem. *Cuſtoms*, vii. 188.

Conſuetudo loci eſt obſervanda. *Condition*, v. 134.

Conſuetudo regni eſt communis lex. *Actions*, i. 216.

Conſuetudo ſemel reprobata, non poteſt amplius induci. *Cuſtoms*, vii. 188.

Contemporanea expoſitio eſt optima. *Clerk of the Peace*, iv. 542.

Contra negantem principia non eſt diſputandum. *Maxims*, xv. 351.

Contracts are to be judged according to the law of the place where ſuch contracts are made. *Contract*, &c. v. 511.

Cuilibet in ſuâ arte perito, eſt credendum. *Court*, vi. 496.

Cujus eſt dare, ejus eſt diſponere. *Contract*, &c. v. 550. *Powers*, xvi. 497.

Cujus eſt diviſio, alterius eſt electio. *Parceners*, xvi. 172.

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Curia magis digna, &c. *Conuſance*, v. 585.

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Cuſtom may make that titheable which of itſelf is not titheable. *Diſmes*, ix. 60.

Cuſtoms to bar eſtates ſhall be taken ſtrictly. *Stricti Juris*, xx. 14.

Damnum abſque injuriâ. *Executors*, xi. 86.

Debere dicitur, quia deeſt habere. *Prerogative*, &c. xvi. 523.

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Debitum et contractus, &c. ſunt nullius loci. *Foreign Plea*, xiii. 415.

Debitum in præſenti quamvis ſit ſolvendum in futuro. *Releaſe*, xviii. 220.

Debitum judex non ſeparat. *Contract*, &c. v. 509.

De fide et officio judicis, non recipitur quæſtio. *Intendment*, xiv. 449.

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De minimis non curat lex. *Copyhold*, vi. 186. 238. *Cuſtoms of London*, vii. 208. *Error*, ix. 565. *Miſcaſting*, xv. 403. *Parliament*, xvi. 194. *Preſcription*, xvii. 258. *Sheriff*, xix. 442. *Waſte*, xxii. 458. 473.

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Derivativa poteſtas eſt ejuſdem juriſdictionis cum primitivâ. *Court Leet*, vi. 587. *Court of Sheriff*, &c. vii. 4.

Deſignatio unius perſonæ eſt excluſio alterius. *Condition*, v. 116.

Detur digniori. *Prerogative*, xvi. 566.

De vitâ hominis nulla eſt cunctatio longa. *Prerogative*, &c. xvii. 48.

Diſpenſatio eſt provida relaxatio juris pro neceſſitate penſata. *Prerogative*, &c. xvii. 63.

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Diſpenſation of a condition in part, is a diſpenſation in all. *Stricti Juris*, xx. 14.

Diſſeiſin alledged in bar or replication is always traverſable. *Traverſe*, xx. 363.

Diſtinguenda ſunt tempora. *Releaſe*, xviii. 329.

Domus ſua cuique tutiſſimum eſt refugium. *Houſe*, xiv. 315.

Donatio perficitur poſſeſſione accipientis. *Gift*, xiv. 19.

Droit ne done pluis que ſoit demande. *Damages*, vii. 287.

Dos de dote peti non debet. *Dower*, ix. 221. 232.

Duplicationem poſſibilitatis lex non patitur. *Eſtate*, x. 290.

Eccleſia eccleſiæ decimas ſolvere non debet. *Preſentation*, &c. xvii. 296.

Eodem modo quo oritur, eodem modo diſſolvitur. *Contract*, &c. v. 516.

Equal things cannot drown one another. *Merger*, xv. 362.

Equity follows the law. *Prerogative*, &c. xvii. 119.

Eſtoppels ſhall be taken ſtrictly. *Stricti Juris*, xx. 14.

Every preſcription is ſtricti juris. *Stricti Juris*, xx. 14.

Excambium naturaliter vult in ſe warrantiam. *Voucher*, xxii. 26.

Exceptio ſemper ultimo ponenda eſt. *Reſervation*, xix. 135

Ex diuturnitate temporis omnia præſumuntur ſolenniter eſſe acta. *Evidence*, xii. 84. See *Omnia*.

Ex facto jus oritur. *Trial*, xxi. 23.

Ex nudo pacto non oritur actio. *Contract*, &c. v. 529. *Evidence*, xii. 117. *Nudum Pactum*, xvi. 16.

Expectet emptor, &c. *Debt*, vii. 333. *Statutes*, xix. 524.

Expedit reipublicæ ut ſit finis litium. *Fine*, xiii. 294. 304.

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Expreſſio eorum, quæ tacitè inſunt, nihil operatur. *Deviſe*, viii. 375. *Eſtate*, x. 245. *Preſentation*, xvii. 406. *Remainder*, xviii. 392.

Expreſſio falſi. *Prerogative*, &c. xvii. 44.

Expreſſum facit ceſſare tacitum. *Condition*, v. 116. *Deviſe*, viii. 203.

Ex primâ causâ oritur omnis actio. *Relation*, xviii. 293.

Factum valet, quod fieri non debuit. *Executors*, xi. 116.

Fatetur facinus, qui judicium fugit. *Bail*, iii. 446.

Fiction ſhall not take away right. *Preſentation*, xvii. 386.

Fictions of law hold no place againſt rights. *Executors*, xi. 134.

Filiatio non poteſt probari. *Baſtard*, iv. 215. *Trial*, xxi. 58.

Finis finem litibus imponere debet. *Fine*, xiii. 245.

Forfeitures ſhall be taken ſtrictly. *Stricti Juris*, xx. 14.

Fortior et potentior eſt diſpoſitio legis quam hominis. *Surrender*, xx. 144. *Waſte*, xxii. 505.

Fortior et potentior eſt vulgaris conſuetudo, quam regalis conceſſio. *Bye-Laws*, iv. 307.

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Fraight is the mother of wages. *Maſter of a Ship*, xv. 346.

Fraus eſt celare fraudem. *Fraud*, xiii. 545.

Fraus et dolus nemini patrocinari debet. *Covin*, vi. 476. *Diſſeiſin*, ix. 96. *Fraud*, xiii. 543.

Fraus non eſt fallere fallentem. *Fraud*, xiii. 520. *Truſt*, xxi. 518.

Fruſtra fit per plura, quod fieri poteſt per pauciora. *Non-tenure*, xv. 594.

Fruſtra petis, quod ſtatim alteri reddere cogeris. *Executors*, xi. 90.

Generalis clauſula non porrigetur ad ea, quæ antea ſpecialiter ſunt comprehenſa. *Grants*, xiv. 61. 157. *Parols*, xvi. 212.

General words ſhall be taken in mitiori ſenſu. *Deviſe*, viii. 319.

General words ſubſequent ſhall be reſtrained by precedent particular words. *Grants*, xiv. 61.

Heir more favoured at law and in equity, than executor or adminiſtrator. *Portions*, xvi. 448.

Id certum eſt, quod certum reddi poteſt. *Common*, iv. 587. *Diſtreſs*, ix. 127.

Idem eſt nihil dicere, et inſufficienter dicere. *Mute*, xv. 531. *Return*, xix. 205.

Idem ſemper proximo antecedenti refertur. *Eſtate*, x. 251.

Id quod licitum non eſt, neceſſitas facit licitum. *Neceſſity*, xv. 534.

Perſonalitas nec concludit nec ligat. *Eſtate*, x. 422.

Impotentia excuſat legem. *Deſcent*, viii. 17. *Reſidence*, xix. 147.

In æquali jure, melior eſt conditio poſſidentis. *Executors*, xi. 270. *Guardian and Ward*, xiv. 178. *Preſentation*, xvii. 369. *Privilege*, 518. *Title*, xx. 278.

Incerta pro nullis habentur. *Cuſtoms*, vii. 188.

Incivile eſt, niſi tota ſententia perſpecta, de aliqua parte judicare. *Grants*, xiv. 100.

Indefinitum equipollet univerſali. *Deviſe*, viii. 307.

In disjunctivis ſufficit unum eſſe verum. *Reſidence*, xix. 143.

In expoſitione inſtrumentorum, mala grammatica, quoad fieri poteſt, vitanda eſt. *Grammar*, xiv. 27.

In facto quod ſe habet ad bonum et malum, magis de bono quam de malo lex intendit. *Intendment*, et præſumendum eſt, xiv. 449. *Preſumption*, xvii. 508.

In favorem libertatis. *Trial*, xxi. 124.

In favorem vitæ. *Trial*, xxi. 252.

In fictione juris ſemper ſubſiſtit æquitas. *Fictions*, xiii. 210. *Rent*, xviii. 503.

Infinitum in jure reprobatur. *Circuity of Actions*, iv. 534.

In fraudem legis. *Condition*, v. 223.

Inheritance cannot lineally aſcend. *Heir*, xiv. 248.

In odium ſpoliatoris. *Diſcovery*, viii. 545. *Faits*, xiii. 101. *Money*, xv. 420. *Own Oath*, xvi. 156.

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In præſentia majoris, ceſſat poteſtas minoris. *Juſtices of Oy. and Term.* xv. 23.

In preparatoriis ad judicium favetur actori. *Default*, vii. 452.

In republica maxime conſervanda ſunt jura belli. *Law*, xv. 48. *Safe Conduct*, xix. 273.

In reſtitutionem, non in pœnam, hæres ſuccedit. *Prerogative*, &c. xvi. 523.

Intent ſhall not be conſtrued in treſpaſs, contrary in felony. *Intendment*, xiv. 449.

Intereſt reipublicæ res judicatas non reſcindi. *Preſentation*, xvii. 396.

Intereſt reipublicæ ut ſit finis litium. *Judgment*, xiv. 637. *Redisſeiſin*, &c. xviii. 266.

Inter pares non eſt poteſtas. *Seſſions of the Peace*, xix. 343.

Interpretatio fienda eſt, ut res valeat. *Blunders*, iv. 278.

Judex non reddit plus quam quod petens ipſe requirit. *Damages*, vii. 287.

Judges ought to adjudge according to the common intendment of law. *Intendment*, xiv. 449.

Judicia in curiâ regis reddita, non adnihilentur, ſed ſtent in ſuo robore quouſque per errorem aut attinctam adnihilentur. *Preſentation*, xvii. 396.

Judicia in curiâ regis reddita, pro veritate accipiuntur. *Account*, i. 168. *Intendment*, xiv. 494. *Preſentation*, xvii. 396.

Judicia ſunt tanquam juris dicta. *Intendment*, xiv. 449. *Preſentation*, xviii. 396.

Judicia ſuum effectum habere debent. *Replevin*, xix. 3.

Judicium non debet eſſe illuſorium. *Replevin*, xix. 3.

Judicium ſemper pro veritate accipitur. *Judgment*, xiv. 583.

Jura naturæ ſunt immutabilia. *Statutes*, xix. 494.

Jura publica anteferenda privatis. *Protection*, xviii. 84.

Jura regis ſpecialia non conceduntur per generalia verba. *Prerogative*, &c. xvii. 128.

Jus accreſcendi inter mercatores locum non habet. *Survivor*, xx. 148.

Jus accreſcendi præfertur oneribus. *Jointenants*, xiv. 481.

Jus dicere non condere. *Deviſe*, viii. 78.

Jus et norma loquendi governed by uſage. *Statutes*, xix. 520.

Jus præfertur ultimæ voluntati. *Jointenants*, xiv. 499.

Juſtitiâ firmatur ſolium. *Striking*, xx. 17.

Juſtum eſt quod punietur in eo quo peccat. *Prerogative*, &c. xvii. 164.

Jus venit, quod uſus comprobavit. *Law*, xv. 46.

King (the) can do no wrong. *Prerogative*, xvi. 564.

King (the) never dies. *Eſtate*, x. 235, 236.

Law always reſpects order of proximity. *Reſceipt*, xix. 50.

Law disfavours contrarieties and repugnancy. *Repugnant*, xix. 47.

Law favours life. *Life*, xv. 99.

Law never intends a poſſibility upon a poſſibility. *Jointenants*, xiv. 496.

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Law preſumes every one will act for his beſt advantage. *Intendment*, xiv. 449.

Law reſpects matters of profit and intereſt largely; but of pleaſure, ſkill, eaſe, truſt, authority, and limitation, ſtrictly. *Countermand*, vi. 483. *Stricti Juris*, xx. 14.

Law reſpects preſent benefits more than future poſſibilities. *Poſſibility*, xvi. 461.

Law reſpects the next eſtate, though ſmall, be it in remainder, or reverſion for life, before the great and remote eſtate in fee. *Reſceipt*, xix. 50.

Law will admit no proof againſt that which it preſumes. *Voucher*, xxii. 154.

Leges poſteriores abrogant priores. *Statutes*, xix. 525.

Leges poſteriores leges priores contrarias abrogant. *Phyſicians*, &c. xvi. 343.

Legis conſtructio non facit injuriam. *Grants*, xiv. 64.

Lex a rege non eſt violanda. *Protection*, xviii. 99.

Lex neceſſitatis eſt lex temporis, i. e. inſtantis. *Neceſſity*, xv. 534.

Lex neminem cogit ad impoſſibilia. *Jointenants*, xiv. 518.

Lex nihil facit fruſtra. *Alien*, ii. 260. *Prerogative*, xvii. 46.

Lex non cogit ad impoſſibilia. *Condition*, v. 233. 328.

Lex non cogit inutile. *Condition*, v. 225.

Lex parliamenti eſt ab omnibus quærenda, a multis ignorata, a paucis cognita. *Law*, xv. 47.

Lex ſemper intendit quod convenit rationi. *Intendment*, xiv. 449.

Lex ſpectat naturæ ordinem. *Jointenants*, xiv. 518.

Liberata pecunia non liberat offerentem. *Tender*, xx. 190.

Majus continet in ſe minus. *Settlement of the Poor*, xix. 379.

Majus dignum trahit ad ſe minus dignum. *Conuſance of Pleas*, v. 584. 586.

Mala grammatica non vitiat inſtrumenta. *Grammar*, xiv. 27.

Males are more worthy than, and preferred before females. *Uſes*, xxii. 200.

Malitia ſupplet ætatem. *Enfants*, ix. 395. *Murder*, xv. 504.

Malus uſus eſt abolendus. *Cuſtoms*, vii. 178. 187.

Melior eſt conditio poſſidentis, ubi neuter jus habet. *Colour in Pleading*, iv. 564.

Meum eſt promittere non dimittere. *Countermand*, vi. 482.

Modus et conventio vincunt legem. *Common*, iv. 508. *Election*, ix. 359. *Mortgage*, xv. 462. *Partition*, xvi. 218. *Preſentation*, xvii. 355. *Rent*, xviii. 524.

Multa conceduntur per obiiquum, quæ non conceduntur de directo. *Trial*, xxi. 374.

Multa honeſta accipi poſſunt, quæ tamen peti non poſſunt. *Counſellor*, vi. 478.

Multa ignoramus, quæ nobis non laterent, ſi veterum lectio nobis eſſet familiaris. *Wreck*, xxii. 539.

MAXIMS.

Multa tranſeunt cum univerſitate, quæ per ſe non tranſeunt. *Heir*, xiv. 287.

Multitude of judicial precedents make law. *Precedents*, xvi. 502.

Multitudo errantium tollit peccatum. *Statutes*, xix. 507.

Neceſſitas facit licitum, quod aliàs non eſt licitum. *Evidence*, xii. 231.

Neceſſitas eſt lex temporis. *Neceſſity*, xv. 538.

Neceſſitas inducit privilegium quod jure privatur. *Neceſſity*, xv. 534.

Neceſſitas legum vincula irridet. *Neceſſity*, xv. 534.

Neceſſitas ſub lege non concedetur, quia quod aliàs non eſt licitum, neceſſitas facit licitum. *Voucher*, xxii. 121.

Neceſſity diſpenſes with the direct letter of a ſtatute law. *Neceſſity*, xv. 534.

Neceſſity is excepted out of all law. *Wreck*, xxii. 540.

Negativa nihil certi implicat. *Negative*, xv. 540. *Nient Dedire*, 553. *View*, xxi. 569.

Nemo dat quod non habet. *Execution*, xi. 16. *Grants*, xiv. 45.

Nemo debet bis vexari, ſi conſtet curiæ, quod ſit pro unâ et eâdem cauſâ. *Other Action pending*, xvi. 148.

Nemo debet ſe immiſcere rei alienæ. *Coroner*, vi. 245. *Judgment*, xiv. 613.

Nemo eſt hæres viventis. *Deviſe*, viii. 72. 325. *Iſſue*, xiv. 572. *Truſt*, xxi. 526.

Nemo poteſt contra recordum verificare. *Account*, i. 168.

Nemo poteſt plus juris in alium transferre, quam ipſe habet. *Copyhold*, vi 24.

Nemo præſumitur alienam poſteritatem ſuæ prætuliſſe. *Voucher*, xxii. 154.

Nemo tenetur divinare. *Nuſance*, xvi. 39.

Nemo tenetur prodere ſeipſum. *Diſcovery*, 539. *Evidence*, xii. 47. viii. 539. See *Prohibition*, xviii. 14. *Utlawry*, xxii. 345.

Ne res pereat. *Confirmation*, v. 388.

Next of blood to infant, to whom inheritance cannot deſcend, ſhall be guardian in ſocage, and not he to whom it may deſcend. *Guardian and Ward*, xiv. 178.

Nihil de re accreſcit ei, qui nihil in re, quando jus accreſcerit, habet. *Jointenants*, xiv. 509.

Nihil tam conveniens eſt naturali æquitati unumquodque diſſolvi eo ligamine quo ligatum eſt. *Preſentation*, xvii. 396.

No man is preſumed to do any thing againſt nature. *Voucher*, xxii. 154.

Non admittitur ejuſdem rei exceptio, cujus petitur diſſolutio. *Utlawry*, xxii. 374. 377.

None can be party and judge in his own cauſe. *Trial*, xxi. 26. 28.

Non eſt [vel nullus] hæres viventis. *Remainder*, xviii. 389. 411. *Receipt*, xix. 59.

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Non præſtat [vel valet] impedimentum, quod de jure non fortitur effectum. *Statutes*, xix. 527.

Non ſunt longa, quibus nihil eſt quod demere poſſis. *Condition*, v. 333.

Non valet impedimentum, quod de jure non fortitur effectum. *Copyhold*, vi. 157.

Norma loquendi, is the rule for the interpretation of actions for words. *Precedents*, xvi. 503.

Nova conſtitutio futuris formam imponere debet, non præteritis. *Deviſe*, viii. 80. *Statutes*, xix. 524. *Voucher*, xxii. 148.

No words ſhall be ſupplied by intendment to make a condition deveſt or deſtroy an eſtate. *Stricti Juris*, xx. 14.

Nudum pactum. *Offer*, xvi. 77.

Nullam tempus occurrit regi. *Alien*, ii. 259. *Continuance*, v. 495, 496. *Cuſtoms*, vii. 188. *Jointenants*, xiv. 490. *Occupant*, xvi. 70. *Prerogative*, 565. xvii. 221. *Preſentation*, 378. 390. 402. 423. 444. 447. 479. *Prohibition*, xviii. 53. *Statutes*, xix. 532. *Villein*, xxi. 577. *Utlawry*, xxii. 363. *Wreck*, 540.

Nullus commodum capere poteſt de injuriâ ſuâ propriâ. *Rent*, xviii. 502.

Odioſa et inhoneſta non ſunt in lege præſumenda. *Preſumption*, xvii. 508.

Omne majus continet in ſe minus. *Ejectment*, ix. 330.

Omne majus dignum trahit ad ſe minus dignum. *Copyhold*, vi. 25. 199. *Jointenants*, xiv. 497. *Releaſe*, xviii. 350. *Treſpaſs*, xx. 475. *Waſte*, xxii. 496. 507.

Omnia præſumuntur ſolenniter eſſe acta. *Evidence*, xii. 124, 125. 246. *Faits*, xiii. 99.

Omnia quæque movent ad mortem, ſunt Deo danda. *Deodand.* vii. 537.

Omnis conſenſus tollit errores. *Error*, x. 13. *Trial*, xxi. 265.

Omnis ratihabitio retrotrahitur, et mandato, ſive licentiæ, æquiparatur. *Diſceiſin*, ix. 100. *Fine*, xiii. 288. *Mortgage*, xv. 454. *Ratihabitio*, xviii. 156.

Once a fraud, and always a fraud. *Fraud*, xiii. 539.

Once a recompenſe, and always a recompenſe. *Satisfaction*, xix. 277.

One thing ſhall enure as another. *Grants*, xiv. 86.

Oportet ut res certa deducatur in judicium. *Certainty in Pleading*, iv. 329. *Diſtreſs*, ix. 127.

Optimus legum interpres eſt conſuetudo. xix. 527.

Owner has both jus in re, and jus ad rem. *Uſes*, xxii. 246.

Pœna ad paucos, metus ad omnes perveniat. *Fear*, &c. xxii. 550.

Pœna ex delicto defuncti, hæres teneri non debet. *Prerogative*, &c. xvi. 523.

Pœna mori poteſt, culpa perennis erit. *Trial*, xxi. 271.

MAXIMS.

Par in parem non habet imperium. *Juſtices of Peace*, xv. 7. *Law*, xv. 50.

Particular conſtruction to be made, niſi impediatur ſententia, or intentio partium. *Releaſe*, xviii. 341.

Partus ſequitur ventrem. *Executors*, xi. 175.

Patronum faciunt dos, ædificatio, fundus. *Appendant*, &c. iii. 1.

Pendente lite nihil innovetur. *Meſne*, xv. 374.

Plus peccat author quam auctor. *Perjury*, xvi. 311. *Subornation*, xx. 20.

Plus vident oculi quam oculus. *Coroner*, vi. 245.

Poſſeſſio eſt quaſi pedis poſitio. *Deſcent*, vii. 589.

Poſſeſſio fratris facit ſororem eſſe hæredem. *Copyhold*, vi. 80. 192, 193. *Deſcent*, vii. 584, 589. See *Seiſina*.

Poſſeſſion is a good title, where no better title appears. *Title*, xx. 278.

Poſſibilitas poſt diſſolutionem executionis, nunquam reviviſcitur. *Poſſibility*, xvi. 460.

Poſt executionem ſtatus lex non patitur poſſibilitatem. *Poſſibility*, xvi. 460.

Precedents that paſs *ſub ſilentio*, are of little or no authority. *Precedents*, xvi. 499.

Præſentia corporis tollit errorem nominis. *Grants*, xiv. 97.

Præſumitur rex habere omnia jura in ſcrinio pectoris. *Mortmain*, xv. 489.

Priority of time is reſpected of things done together, or which happen in an inſtant. *Inſtant*, xiv. 448.

Privatio præſupponit habitum. *Forcible Entry*, &c. xiii. 395.

Pro poſſeſſore habetur, qui dolo diſcit poſſidere. *Executors*, xi. 240.

Quæ communi legi derogant, ſtrictè interpretari debent. *Stricti Juris*, xv. 14.

Quæ frequentius accidunt. *Statutes*, xix. 528.

Quæ incontinenti fiunt, ineſſe videntur. *Conditions*, v. 70. *Inſtant*, xiv. 448. *Remainder*, xviii. 426.

Quælibet conceſſio fortiſſimè contra donatorem interpretenda eſt. *Grants*, xiv. 64.

Quæ ſunt minoris culpæ, ſunt minoris infamiæ. *Evidence*, xii. 1.

Quando abeſt proviſio partis, adeſt proviſio legis. *Copyhold*, vi. 49.

Quando aliquid conceditur, conceditur et id ſine quo res ipſa uti non poteſt. *Treſpaſs*, xx. 521.

Quando aliquid prohibetur fieri, ex directo prohibetur, et per obliquum. *Condition*, v. 105.

Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud. *Indictment*, xiv. 373.

Quando charta continet generalem clauſulam, poſteaque deſcendit ad verba ſpecialia, quæ clauſulæ generali ſunt conſentanea, interpretanda eſt charta ſecundum verba ſpecialia. *Grants*, xiv. 61.

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Quando duo jura in unâ perſonâ concurrunt, æquum eſt ac ſi eſſent in duobus vel diverſis. *Executors*, xi. 238. *Fine*, xiii. 289. *Title*, xx. 278.

Quando lex aliquid alicui omnia incidentia concedit, tacitè conceduntur, ſine quibus res ipſa eſſe non poteſt. *Diſtreſs*, ix. 126. *Incidents*, xiv. 346. *Prerogative*, xvi. 595. *Voucher*, xxii. 121.

Quando lex eſt ſpecialis, ratio autem generalis, generaliter eſt intelligenda. *Redisſeiſin*, &c. xviii. 265.

Quando mulier nobilis nupſerit ignobili, deſinit eſſe nobilis. *Additions*, ii. 83.

Quando non valet quod ago, ut ago, valeat quantum valere poteſt. *Powers*, xvi. 478.

Quando verba ſunt ſpecialia, ratio autem generalis, ſtatutum generaliter eſt intelligendum. *Limitation*, xv. 105.

Quicquid acquiritur ſervo acquiritur domino. *Maſter and Servant*, xv. 327.

Quicquid plantatur ſolo, cedit ſolo. *Grants*, xiv. 104. 106. *Soil*, xix. 479.

Quicquid ſolvitur, ſolvitur ad modum ſolventis. *Condition*, v. 297. *Payment*, xvi. 279.

Qui facit per alium, facit per ſe ipſum. *Treſpaſs*, xx. 466. *Trial*, xxi. 75.

Qui hæret in literâ hæret in cortice. *Preſcription*, xvii. 280. *Statutes*, xix. 527.

Quilibet renunciare poteſt beneficium juris pro ſe introduct. *Tenure*, xx. 235. *Prohibition*, xviii. 35.

Qui melius probat, melius habet. *Dower*, ix. 235. *Evidence*, xii. 94. *Trial*, xxi. 19.

Qui non obſtat, quod obſtare poteſt, facere videtur. *Waſte*, xxii. 450.

Qui non prohibet, quod prohibere poteſt, aſſentire videtur. *Waſte*, xxii. 508.

Qui prior eſt in tempore, potior eſt in jure, in æquali jure. *Incumbrances*, xiv. 356. *Mortgage*, xv. 448. *Title*, xx. 278.

Qui pro me aliquid facit, mihi feciſſe videtur. *Tenure*, xx. 235.

Qui ſemel actionem renunciavit, amplius repetere non poteſt. *Nonſuit*, xv. 569.

Qui ſentit commodum, ſentire debet et onus. *Copyhold*, vi. 190. *Covenant*, 404. *Debt*, vii. 328. *Eſtate*, x. 231. *Rent*, xviii. 541. *Trade*, xx. 336.

Qui tacet, conſentire videtur. *Fraud*, xiii. 536.

Quod ab initio non valuit, tractu temporis non convaleſcit. *Cuſtoms*, vii. 188. *Dower*, ix. 270.

Quod aliàs bonum et juſtum eſt, ſi per vim vel fraudem petatur, malum et injuſtum efficitur. *Covin*, vi. 474.

Quod conſtat clarè non debet verificari. *Debt*, vii. 370.

Quod contra legem fit, pro infecto habetur. *Copyhold*, vi. 157.

Quod fieri non debuit, factum valet. *Executors*, xi. 417. *Judgment*, xiv. 617. *Land*, xv. 40. *Return*, xix. 206.

Quod lex conjunxit, nemo ſeparet. *Executors*, xi. 422.

MAXIMS.

Quod neceſſitas cogit, defendit. *Neceſſity*, xv. 536.

Quotiès in verbis nulla eſt ambiguitas, ibi nulla expoſitio contra verba expreſſa, fienda eſt. *Grants*, xiv. 58. *Rent*, xviii. 478.

Reddendo ſingula ſingulis. *Tenure*, xx. 239.

Relation never defeats collateral acts. *Relation*, xviii. 292.

Relation ſhall always be ut ſententia non impediatur, and not to the laſt antecedent. *Parols*, xvi. 211. *Relation*, xviii. 288.

Relation ſhall never make a void grant or deviſe of the party, good. *Relation*, xviii. 292.

Remedies for rights are ever favourably extended. *Rent*, xviii. 521.

Rent ought to be reſerved to him from whom the eſtate of the land moves. *Reſervation*, xix. 108.

Repellitur a ſacramento infamis. *Trial*, xxi. 271.

Res corruptæ et transformatæ abeſſe videntur. *Treſpaſs*, xx. 510.

Res inter alios acta, alteri nocere non debet. *Diſmes*, ix. 32. *Evidence*, xii. 134. *Preſentation*, xvii. 503.

Reſpondeat ſuperior. *Eſcape*, x. 101, 102.

Reſtitutions have more favourable conſtructions than grants. *Stricti Juris*, xx. 14.

Rex non intermoritur. *Prerogative*, &c. xvii. 2.

Salus populi eſt ſuprema lex. *Common*, v. 18.

Securius expediuntur negotia commiſſa pluribus. *Coroner*, vi. 245.

Seiſina fratris facit ſororem eſſe hæredem. *Deſcent*, vii. 584, 585. See *Poſſeſſio*.

Semper expreſſum ceſſare facit tacitum. *Grants*, xiv. 146.

Semper ita fiat relatio, ut valeat diſpoſitio. *Relation*, xviii. 287.

Semper præſumitur pro ſententiâ et pro legitimatione puerorum. *Intendment*, xiv. 449. *Preſumption*, xvii. 508.

Sententia contra matrimonium nunquam tranſit in rem judicatam. *Judgment*, xiv. 637. *Marriage*, xv. 253.

Sententia non fertur de non liquidis. *Damages*, vii. 269.

Sententiæ numerantur, non ponderantur. *Deviſe*, viii. 236.

Sequi debet potentia juſtitiam, non præcedere. *Return*, xix. 173.

Servitia perſonalia ſequuntur perſonam. *Meſne*, xv. 372.

Solus Deus facit hæredes. *Uſes*, xxii. 200.

Solutio pretii emptionis loco habetur. *Property*, xviii. 72.

Stabitur præſumptioni, donec probetur in contrarium. *Evidence*, xii. 246. *Preſumption*, xvii. 508. *Recovery Common*, xviii. 206.

Stat pro ratione voluntas. *Stricti Juris*, xx. 15.

Statutum ſpeciale ſpeciali ſtatuto non derogat. *Statutes*, xix. 517.

Sublato fundamento, cadit opus. *Error*, ix. 585.

Sublato principali, tollitur adjunctum. *Voucher*, xxii. 42.

MAXIMS.
Sublato ſubjecto, tollitur ejus accidens. *Fine*, xiii. 335.
Subſequent words ſhall not confound or controul general precedent words. *Grants*, xiv. 61.
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FINIS.